

Group II. The Office has withdrawn the outstanding prior art based rejections under 35 USC §§ 102(b) and 103(a); however, it maintains rejections under 35 USC § 112, first and second paragraphs for lack of enablement and indefiniteness, respectively.

Claims 18-26, 28, 33 and 34 remain rejected under 35 USC § 112, second paragraph, for indefiniteness for the following reasons.

First, the Office maintains its objection to the claim to neutral 7-membered aromatic rings formed by substituents R<sub>1</sub>-R<sub>4</sub>. With this Response, the applicants delete language directed to neutral 7-membered aromatic rings, thereby obviating the rejection.

Second, the Office requests that the structure currently designated as "G<sub>3</sub>" simply be referred to as "G" since it represents the only possible substitution according to the elected invention. With this Response and Amendment, the applicants comply with the Office request, thereby obviating the rejection.

Thus, reconsideration and withdrawal of the rejections under § 112, second paragraph, for indefiniteness are respectfully solicited.

Claims 18-26, 28, and 33-34 remain rejected under 35 USC § 112, first paragraph, for lack of enablement.

First, the Office maintains the outstanding rejection for lack of Specificational support to enable the use of the broad scope of compounds claimed.

Specifically, it is the position of the Office that there is no support "*for the scope of R-fused ring systems, other than phenyl, and for the scope of X-fused ring systems that can be from 5- to 7-membered and have up to 2 N and/or O atoms in an array.*" With this Response, the applicants have deleted the claim language to the R-fused and X-fused ring systems which the Office concludes

lack support. The applicants submit that this rejection is rendered moot by the instant Amendment of base Claim 18 and the cancellation of Claim 28.

Second, the Office maintains the rejection of Method Claim 33 for lack of support for the method-of-treatment claimed. The Office finds a claim to the treatment of Parkinson's Disease, impulsive behavior disorders, anxiety, and depression with compounds of the instant invention to be allowable. However, the Office questions the basis to claim treatment of the remaining disorders, i.e., schizophrenia, cognitive disorders, libido disorders, sexual dysfunction, sleep disorders, and drug abuse.

To support the claim to treatment of the rejected conditions, the applicants provide further Declaration by W. Millan, PhD, one skilled in the art, that is relevant to the instant enquiry. The applicants submit that this Declaration, a literature review, demonstrates that those skilled in the art understand the disallowed conditions to be treatable with compounds possessing the functional activity of the instant compounds, i.e.,  $\alpha_2$  and 5-HT<sub>2c</sub> receptor antagonism. Additional support for the treatment of such conditions may be found in the Specification (page 2, lines 13-15).

The applicants emphasize that the publications provided herewith present evidence for the use of 5-HT<sub>2c</sub> receptor antagonists in treating schizophrenic patients independent of a dopaminergic mechanism.

The applicants submit that the instant Declaration in conjunction with the former Declaration filed January 13, 2003 and pharmacology provided in the Specification is responsive to the enablement rejection and supports the claim to the use of the instant compounds in the treatment of schizophrenia, cognitive disorders, libido disorders, sexual dysfunction, and sleep disorders.

\* \* \* \* \*

Accordingly, entry of the present amendment, Declaration, reconsideration of all grounds of objection and rejection, withdrawal thereof, and passage of this application to issue are all hereby respectfully solicited.

It should be apparent that the undersigned attorney has made an earnest effort to place this application into condition for immediate allowance. If he can be of assistance to the Examiner in the elimination of any possibly-outstanding insignificant impediment to an immediate allowance, the Examiner is respectfully invited to call him at his below-listed number for such purpose.

Allowance is solicited.

Respectfully submitted,

THE FIRM OF HUESCHEN AND SAGE

By:

  
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Enclosure: Listing of Claims; Declaration and accompanying references; Form PTO-1449; Request for Continued Examination Transmittal; \$750 fee for RCE; \$930 fee for three (3) month extension of time; Postal Card Receipt.

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**THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY FURTHER OR ADDITIONAL FEES WHICH MAY BE REQUIRED (DUE TO OMISSION, DEFICIENCY, OR OTHERWISE), OR TO CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NO. 08,3220.**